



Reference No. CRMD-2020-09-1684

MEMORANDUM CIRCULAR NO. 2020- 28

TO : ALL PSA REGIONAL DIRECTORS/OICs
ALL PSA PROVINCIAL STATISTICS OFFICERS/OICs
ALL CITY/MUNICIPAL CIVIL REGISTRARS/OIC
ALL PHILIPPINE FOREIGN SERVICE POST
OFFICIALS AND STAFF

SUBJECT : New Rules on the Use of Middle Name

DATE : 06 October 2020

Please be informed that queries and cases referred by the Department of Foreign Affairs on the use of middle name are increasing. Hence, this Memorandum is issued in order to have a uniform understanding on the use of middle name.

Generally, the full name of an individual consists of a first or given name, the middle name, and the last name. The middle name is required to be written in full and not middle initial only.

In the case of *In re: Petition for Change of Name of Julian Lin Carulasan Wang*¹, middle names serve to identify the maternal lineage or filiation of a person as well as further distinguish him from others who may have the same given name and surname as he has.

Thus, the middle name of the child generally refers to the mother's maiden surname if the child is legitimate. If illegitimate, the child may or may not have a middle name.

However, on 02 February 2007, the Supreme Court clarified in the case of *Republic vs. Capote*² the rules on the use of middle name, to wit:

¹ G.R No. 159966. March 30, 2005.

² G.R. No.157043. February 2, 2007



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“X X X an illegitimate child whose filiation is not recognized by the father bears only a given name and his mother’s surname, and does not have a middle name. The name of the unrecognized illegitimate child therefore identifies him as such. It is only when the illegitimate child is legitimated by the subsequent marriage of his parents or acknowledged by the father in a public document or private handwritten instrument that he bears both his mother’s surname as his middle name and his father’s surname as his surname, reflecting his status as a legitimated child or an acknowledged child.”

In view of the foregoing jurisprudence and existing laws, the following rules on the use of middle name shall be observed in the preparation of Certificates of Live Birth and/or Reports of Birth of children:

I. For legitimate children born in the Philippines and abroad, they shall bear the mother’s maiden surname;

II. For illegitimate children;

A. Born in the Philippines

1. No middle name if not recognized by the father;
2. No middle name even if recognized by the father but absent a registered Affidavit to Use the Surname of the Father (AUSF);
3. No middle name even if recognized by the father and there is a registered AUSF, if the child’s birth, as well as the execution and registration of the required documents, is outside the scope, coverage, and applicability of OCRG Administrative Order No. 1, Series of 2004 (Old Implementing Rules and Regulations of RA 9255) or OCRG Administrative Order No. 1, Series of 2016 (Revised Implementing Rules and Regulations of RA 9255); or
4. The maiden surname of the mother if the child’s birth, as well as the execution and registration of the required documents, is within the scope, coverage, and applicability of OCRG A.O. No. 1, Series of 2004 or OCRG A.O. No. 1, Series of 2016.

B. Born abroad

1. The middle name provided in the foreign birth document from which the Report of Birth (ROB) is based, if an entry is provided thereto; or
2. In the absence of a foreign birth document, the rules on middle name provided in item II (A) must be observed in the preparation of the ROB of the child.

Nevertheless, illegitimate children who were acknowledged only by the mother or by the father and whose records of birth were registered **before 02 February 2007** (date when the case of *Republic vs. Capote* was decided) bearing the mother's maiden middle name or father's middle name as their middle name shall continue to use such middle name and are not required to undergo corrections.

For your information and guidance.



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MLM/FSS/MBG/RDF